

REMARKS

Claims 1-17 are currently pending in the application. By this amendment, claim 11 is amended. The above amendments do not add new matter to the application and are fully supported by the specification. For example, support for the amendment is provided at Figure 1, and at pages 5-6 of the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Objection to Drawings

The drawings were objected for not showing the serrated device. Applicants traverse the objection to the Drawings by the Examiner. Applicants submit that the serration and cutting device of the wrap is a conventional feature disclosed in the description and claims. One skilled in the art would not need to see each and every detail of such a device for an understanding thereof. That is, the detail of such device is not essential for a proper understanding of the invention. Applicants further notes that the MPEP does not require each and every element to be specifically disclosed in the drawings in order to comply with the rules. Conventional features do not need detail illustration.

More specifically MPEP 608.02(d) discloses:

(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).

Applicants submit that the drawings comply with this section of the MPEP. Applicants thus request withdrawal of the objection.

35 U.S.C. §112 Rejection

Claims 11 and 16 were rejected under 35 U.S.C. §112, 2nd paragraph. This rejection is respectfully traversed.

In order to expedite prosecution of the present invention, Applicants have replaced "each", with - -the- -, in claim 11.

As to the rejection of claim 16, Applicants respectfully note that such language is clear and definite. Specifically, claim 16 requires a cutting means to cut the wrap after a last of the individual packages to be stacked is placed in the takeaway tray. This can either be the sequenced product or a single product, depending on the demand usage.

Applicants assert that the 35 U.S.C. §112, 2nd paragraph rejection of claim 16 has been overcome and request withdrawal of the same.

35 U.S.C. §103 Rejection

Claims 1-17 were rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Pat. No. 4,617,784 issued to Golicz et al. (hereinafter "GOLICZ") in view of U. S. Patent No. 5,588,285 issued to Odenthal (hereinafter "ODENTHAL"). This rejection is respectfully traversed.

The invention relates to a packaging device. The claims recite a packaging device having an output end, as well as a packaging device adapted to package sequenced products. The packaging device includes a clamping device adjacent to the output end of the packaging device. The packaging device has a conveying system downstream from the clamping device that moves a drop off tray incrementally. The clamping device holds one of a plurality of packaged sequenced products such that the drop off tray is in a position to stack multiple packaged sequenced products (of the plurality of packaged sequenced products) into the drop off tray as the drop off tray is moved, incrementally. The claims further recite means for sequencing product into a delivery point sequence, and means for packaging individual packages of the product for the delivery point sequence. The claims further recite means for dropping the individual packages into a vertical stacked position in a takeaway container. The means for incrementally moving the takeaway

container has a predetermined distance, such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling.

The Examiner is of the opinion that the combination of GOLICZ and ODENTHAL incorporates all of the features of the claimed invention. In particular, the Examiner is of the opinion that GOLICZ shows a clamping device (30, 34) adjacent to the output end of the packaging device, a packaging device adapted to package sequenced products, a conveying system (via 32) downstream from the clamping device and a clamping device that holds one of a plurality of packaged sequenced products. Applicants, respectfully disagrees with the Examiner.

GOLICZ shows a stacking mechanism for tags. The mechanism includes one way frictional strips (30) mounted on frame plate (12) and frame plate (29). The frictional strips (30) allow the tags (T) to descend, but retard any retrograde or upward movement of the tags (Fig. 2 and Col. 2, lines 54-58). GOLICZ shows downwardly extending fingers (34) attached to upstanding members (33) (Fig. 4 and Col. 2, lines 62-64). GOLICZ shows that a slide (32) is mounted to frame plates for reciprocating vertical movement, starting at an original position (Fig. 4) and is moved to a position (Fig.5) to move the stack (S) to the banding station (S2). The fingers (34) are designed to apply pressure to the stack of tags (T) from a top position of the stack. The extending fingers (34) are thus not adjacent to the output end of the packaging device. Instead, the fingers (34) are clearly at an input end of the packaging device.

GOLICZ also does not show a packaging device for sequencing product. GOLICZ shows stacking and banding tags (see Col. 1, lines 23-25). The tags are not sequentially ordered. The GOLICZ device merely passes the tags from a printer (15) to a conveyor (17). Thus, the GOLICZ device never adapts the tags to be packaged as sequenced products.

The Examiner is also of the opinion that slide (32) is a conveying system. This is not accurate. GOLICZ shows a transferring member or slide (32) having two sets of upstanding members (33) (Figure 2 and Col. 2, lines 62-63). The slide mount (32) is mounted to frame plates for reciprocating vertical movement. This is contrary to the claimed invention, since slide (32) is not a conveying system downstream from the

clamping device.

The Examiner is of the opinion that ODENTHAL shows a packaging device having a conveying system moving a drop tray incrementally, where the drop tray is in position to stack a multiple packaged sequenced products of the plurality of packaged sequenced products into a tray at a desired constant speed. Applicants, respectfully disagrees with the Examiner.

ODENTHAL shows an input conveyor (5) for delivering packages (1), one at a time, at regular intervals and at a constant input speed (V_i) to a transfer station (21) and an output conveyor (6) (Fig. 1 and Col. 32-37). The individual products are then stacked into containers (4), which are transported on a belt (11). The input conveyor (5) is only able to accommodate one product at a time, and conveys via a transfer station (21) to the output conveyor (6). The input conveyor (5) and output conveyor (6) are synchronized by a controller (15) and sensor (16) to detect, count and move the conveyors (Fig. 1 and Col. 4, lines 5-9). Once the sensor (16) has counted a certain number of packages (1), the controller switches the output conveyor (6) from a low stacking speed to a high gapping speed to form a space (12) on the output conveyor (6) between succeeding groups of packages (1) (see Col. 4, lines 14-19). The ODENTHAL device only has one group size and no multiple group sizing and thus would not be able to accommodate an odd number or different number of products, or products of different sizes. The ODENTHAL device cannot move the packages for the purpose of automatically stacking a plurality of packaged sequenced products into a tray.

The Examiner is of the opinion that ODENTHAL can be combined with GOLICZ to result in the claimed invention. This does not appear to be the correct. Despite the fact that the combination does not show all the features of the claimed invention, in ODENTHAL an input conveyor (5) delivers packages (1) one at a time at regular intervals and at a constant input speed (V_i) to a transfer station (21) and an output conveyor (6). In GOLICZ, much like ODENTHAL, the control uses a counter in order to ensure that the same number of product are being packaged. However, using the same number of tags to be packaged cannot be modified for the stacking of products that are sequenced products. Basically, the number of sequenced products can change in number per package as

opposed to the prior art of record that discloses a single group (or package) having a constant number of product. Also, ODENTHAL does not even show the use of sequenced product. In ODENTHAL, only a simple count is taken of the product, and the belt is moved at a constant speed. With sequenced product, the belt may not move at a constant speed depending on the amount of product for each sequence. Thus, there is no motivation for such modification to result in the claimed invention.

The Examiner asserts in claim 2, that it would have been an obvious matter of design choice to provide the product as mail pieces, since GOLICZ teaches a system for packaging flat products, wherein mail requires sequencing. This does not appear to be the correct. Basically, using non-mail products does require the need for sequencing. Furthermore, GOLICZ teaches tags of similar size and shape, wherein mail of the claimed invention can be of different size and shape. The GOLICZ packaging system does not sequence products, nor operate with different sized and shaped products, such the GOLICZ packaging system could not operate using mail as the product.

The Examiner asserts that GOLICZ discloses the teaching of claims 5 and 9. However, GOLICZ does not show each of the adjacent packaged sequenced products remaining connected to one another (see page 5 of the Office Action). Nor does GOLICZ show a serrating. The Examiner's attention is directed to GOLICZ (Col. 1, lines 63-65), which discloses a device for banding stacks of tags into an easy-to-use series of detachably connected stacks. GOLICZ discloses using a knife to cut the wrap, such that the wrap cuts when each individual stack exits the packaging device. GOLICZ simply does not teach or suggest the Examiner's assertions, rather discloses a series of detachable connected stacks.

The Examiner asserts that GOLICZ discloses the teaching of claims 5 and 9. However, GOLICZ does not show a cutting device for cutting the wrap downstream of a last package of the sequenced products of the plurality of packaged sequenced products. The Examiner's attention is directed to GOLICZ (Fig.s 4-6 and Col. 3, lines 64-65), which discloses a cutting device (37) which cuts each stack (Fig.5). The GOLICZ packaging system does not sequence products nor cut the wrap downstream of the last package, an instead GOLICZ cuts the wrap in the packaging system after each stack is assembled.

GOLICZ simply does not teach or suggest the Examiner's assertions, rather discloses a series of detachable connected stacks of non-sequenced products.

The Examiner also asserts that ODENTHAL discloses the features of claims 7 and 10. ODENTHAL shows a controller (15) connected to a sensor (16) provided upstream of the transfer station (21) to detect and count the packages (1) as they pass from the input conveyor (5) to the output conveyor (6) (Fig. 1 and Col. 4, lines 5-9). Once the sensor (16) has counted the packages (1), here five, a group has been formed and the controller switches the output conveyor (6) from the low stacking speed to the high gapping speed to form the space (12) on the output conveyor (6) between succeeding groups of packages (1) (Col. 4, lines 14-19). The ODENTHAL device only has one group size and no multiple group sizing. The ODENTHAL device only detects and counts the packages, and does not move the packages for the purpose of automatically stacking a plurality of packaged sequenced products into a tray.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-17 under 35 U.S.C. §103(a) and indicate that this claim are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 19-0089.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a long horizontal flourish extending to the right.

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